

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
Asheville Division**

UNITED STATES OF AMERICA

v.

JAMES OTIS HENDERSON

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1:07cr106

FILED
ASHEVILLE, N.C.
OCT 29 2008
U.S. DISTRICT COURT
W. DIST. OF N.C.

ORDER

The matter is before the Court on defendant's motion to delay his reporting date to the Bureau of Prisons, which motion was mistakenly filed by defendant's counsel in Criminal No. 1:07cr69 — the case arising out of the initial indictment that was previously dismissed against this defendant — rather than in the instant case.

For good cause shown, and without objection from the government,

It is hereby **ORDERED** that defendant's motion is **GRANTED IN PART** and **DENIED IN PART**. Specifically, the motion is **GRANTED** insofar as defendant's reporting date in this matter is **DELAYED** until Monday, December 1, 2008. The motion is **DENIED** insofar as defendant requests a longer delay in his reporting date.

It is further **ORDERED** that the Clerk's Office is **DIRECTED** to docket a copy of defendant's motion in the instant matter, for purposes of clarifying the record.

The Clerk is directed to send a copy of this Order to the Bureau of Prisons, the Marshal's Service, the Probation Office and all counsel of record.

/s/

October 29, 2008
Alexandria, VA

T. S. Ellis, III
United States District Judge